

REMARKS

STATUS OF THE CLAIMS

Claims 30-31, 36-37, 40-49, 53, 56, 59-60, 65, 67, 72-73, 80-83, 95-97, 101-103, 107-109 and 117-127 remain in the case. Reconsideration of this Application and entry of the foregoing amendments are requested. Claims 30, 31, 45-48, 59-60, 65, 67, 95-97 have been amended in view of the Office Action to better define what the Applicants consider their invention, as fully supported by an enabling disclosure. Additional support for the amendments to the claims can be found in the previous claims. Claims 32, 51-52, 54-55, 92-94, 98-100, 104-106 and 114-116 were cancelled. Claims 120-127 are new. Support for these claims may be found in previous claims 59 and 60 in combination with previous claims 51-52 and 54-55.

OBJECTIONS TO THE SPECIFICATION

1. The Examiner objected to the incomplete reference to the preparation of oligonucleotide primers for cloning a cDNA to a LDL receptor at page 31, line 20 of the disclosure. The Examiner suggested that this reference be deleted in view of the lack of disclosure of detection of LDL receptor-specific mRNA Northern blots using an LDL receptor cDNA in the disclosure. The Examiner is referred to page 28, lines 13-16 which mentions such a detection. For this reason, the reference was reformulated but not deleted.

2. The redundant reference to Lys¹³⁷ at line 6 of page 39 has been deleted.

3. The position of Gly and Cys were correctly identified as numbers 17 and 16 respectively at page 38, lines 7 and 8 of the disclosure and support for same may be found in SEQ. ID. NO. 6 and Fig. 1.

REQUIREMENT FOR SEQUENCE RULES COMPLIANCE IN THE SPECIFICATION AND CLAIMS

SEQ. ID. NOs. have been added in the disclosure where they were missing and the Sequence Listing was amended to incorporate sequences disclosed in the disclosure but not yet enclosed in the Sequence Listing.

It is respectfully submitted that SEQ. ID. NOs. 14 and 46 are not identical because the latter comprises an alanine residue at its C-terminal after the 3-nitrotyrosine. SEQ. ID. NO. 46 was thus kept in the Sequence Listing. It is also respectfully submitted that the sequence appearing at page 46, lines 24 and 25 is not the same as that identified as SEQ. ID. NO. 47 in the Sequence Listing submitted 18 October 2001. Indeed the latter comprises an alanine residue at its C-terminal after the 3-nitrotyrosine. The sequence appearing at page 46, lines

24 and 25 is thus now identified as SEQ. ID. NO. 107 in the enclosed amended Sequence Listing.

Finally, certain sequences described in the disclosure but unrepresented in the Sequence Listing in addition to those specifically identified by the Examiner were included in the enclosed amended Sequence Listing and accompanied by a designation in the disclosure. Particularly sequences at page 25, lines 9 and 10; page 28, line 7; page 38, line 34, page 39, lines 1, 3, 5 and 6; page 40, line 28; page 41, line 33; page 42, lines 1, 2 and 11; page 45, line 24; page 46, line 25 and in Fig. 21e were included in the enclosed amended Sequence Listing and accompanied by a designation in the disclosure.

OBJECTIONS TO CLAIMS PURSUANT TO THE REQUIREMENTS OF 37 CFR 1.821

Claims 30-31, 45, 59 and 60 have been amended pursuant to recite the appropriate SEQ. ID. NOs. Claim 32 was cancelled.

REJECTIONS UNDER 35 U.S.C. § 112 FIRST PARAGRAPH

The Examiner rejected claims 46-49 because of the terms “catalytic parts” of a SKI-1 convertase. This rejection has been overcome by the appropriate amendment to the claims.

The Examiner’s rejection of claims 51, 52, 54 and 55 is rendered moot by the cancellation of these claims.

The Examiner rejected claims 93-97, 99-103, 105-109 and 115-119 because the disclosure allegedly contains no support for their subject matter. Claims 93 and 94 and all their dependent claims (98-100, 104-106 and 114-116) were cancelled. Claims 95 to 97 were amended to recite polypeptides of 18-188, 18-196 and 18-169, respectively. Page 30, line 26, page 33 line 3 of the disclosure describe the nature of the sense oligonucleotide primer used to clone the pro-segments. The nature of this primer shows that it targets the AAG codon (positions 548-551 of SEQ. ID. NO. 5) of the SKI-1 sequence encoding the lysine residue at position 18 in SEQ. ID. NO. 6. The recombinant pro-segments PS1, PS2 and PS3 cloned and described in the present application therefore start at the Lys¹⁸ residue and end at position Leu¹⁶⁹, Ala¹⁸⁸ and Thr¹⁹⁶ (as may be deduced from antisense oligonucleotide primers used at page 33, lines 4-6).

In view of the above and foregoing, it is respectfully requested that the Examiner withdraw his rejection of these claims under 35 U.S.C. § 112, first paragraph.

REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

The objection to claim 32 as being indefinite has been rendered moot by the cancellation of this claim.

Claim 45 has been amended to avoid the objected terminology “a fragment of SKI-1 enzyme”.

Claims 46-49 have been amended to delete any reference to a complex of claim 32.

Claim 48 has also been amended to delete the objected terminology “in the presence of a cellular population”.

Claims 59 and 60 were amended to specify the nature of the SKI-1 activity referred to.

Claims 65 and 67 were amended to refer to claims 30 and 31, respectively.

In view of the above and foregoing, it is respectfully requested that the Examiner withdraw his rejection of these claims under 35 U.S.C. § 112, second paragraph.

REJECTION UNDER 35 U.S.C. § 102

Claims 46-49 have been rejected as being anticipated by Brown *et al.* (“Brown”) under 35 U.S.C. § 102. In the Examiner’s opinion, these claims are anticipated by Brown by their reciting of a catalytic part of SKI-1. This objection has been traversed by the appropriate amendment to the claims. by the reformulation of these claims.

Claims 51, 52, 54 and 55 have been rejected as being anticipated by certain references. This objection is rendered moot by the cancellation of these claims. The subject matter of these claims were included in claims 59 and 60 along with their new dependent claims 120-127. Support for these new claims may thus be found in previous claims 59 and 60 in combination with previous claims 51-52 and 54-55.

In view of the above and foregoing, it is respectfully requested that the Examiner withdraw his rejection of these claims under 35 U.S.C. § 102.


CONCLUSION

It is submitted that the application is in condition for allowance. Favorable reconsideration is respectfully requested.

Other than the extension fee, additional fees are not believed to be needed for this amendment. However, if additional fees are needed, please charge them to Deposit Account No. 17-0055.

Respectfully submitted,
Institut de Recherches Cliniques de
Montréal

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By: 

Ann E. Rabe
Registration No. 56,697
Quarles and Brady LLP
411 East Wisconsin Ave.
Milwaukee, WI 53202
(414) 277-5613

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